THE HONOURABLE SRI JUSTICE G. CHANDRAIAH

W.P. No.10808 of 1998

ORDER:

This writ petition has been filed seeking writ of *Mandamus* to declare the action of the respondent in not investigating the case in Crime No.194 of 1994 of II Town Police Station, Kurnool, as illegal and arbitrary and to direct the respondent to investigate the above case by examining all witnesses as stated in complaint and to file charge sheet.

The case of the petitioner is that one Sri B. Srivatsava alias Bajju resident of Nandyal gate, Kurnool induced him to invest Rs.50,000/- for his medical agency business with a promise to repay the same with interest. The said Srivatsava induced several persons like petitioner and obtained an amount of Rs.12,00,000/- from all of them. In view of the same, the petitioner made a complaint to the Police but no action was taken at their end. Therefore, he made a private complaint before the learned Magistrate, Kurnool, who recorded his sworn statement and referred the matter to the respondent for further investigation. Accordingly, the Station House Officer, II town Police Station, Kurnool registered a case in Crime No.194 of 1994 under Section 420 of Indian Penal Code (for short 'IPC'). He further submits that when the respondent did not investigate the matter properly,
he again approached the learned Magistrate, who directed the respondent to investigate the complaint and file charge sheet.
In spite of specific directions from the learned Magistrate,
the respondent did not file charge sheet so far. According to the petitioner, he made several representations to the authorities

concerned bringing the said fact but there was no response. In that view of the matter, he filed the present writ petition.

While denying the averments mentioned in the affidavit, filed in support of the petition, respondent filed counter. Wherein it is admitted that a case in Crime No.194 of 1994 was registered under Section 420 of IPC and 156(3) of Code of Criminal Procedure (for short 'Cr.P.C.') and case was investigated by a Circle Inspector. During the course of his investigation, the Circle Inspector visited the house of the petitioner to record his statement under Section 161 Cr.P.C. but he refused to give statement on the plea that the case should be investigated by S.D.P.O. Kurnool but not by Circle Inspector as per the orders of Court. In view of the same, the Circle Inspector of Police referred the case as false through SDPO, Kurnool. Before submitting the final report as false, the Circle Inspector sent notice to the petitioner to get acknowledgment but the petitioner refused to acknowledge the same stating that it did not bear the signature of the S.D.P.O., Kurnool. Under those circumstances, the Inspector of Police sent final report to the Court but the same was returned with objection that the said final report is not sent along with the acknowledged copy of notice to complainant and since then the file is pending in the II Town Police Station, Kurnool.

Heard the learned counsel for the petitioner and perused the material on record.

Learned counsel for the petitioner submits that in view of the interim order dated 30-04-1998 passed by this Court, no further orders are required to be passed and the petition may be disposed of making interim direction as absolute.

The main grievance of the petitioner is that though there is a specific direction from this Court, the respondent did not investigate the case properly and file charge sheet.

As could be seen from the proceedings of this Court,
it is evident that on 30-04-1998 while ordering *"Rule Nisi",* passed interim direction in WPMP. No.13100 of 1998 directing the respondent to investigate into Crime No.194 of 1994 of II Town Police Station, Kurnool, if not already investigated into,
in accordance with the rules, pending further orders.

Having regard to the facts and circumstances of the case and submission made by the learned counsel for the petitioner,
order dated 30-04-1998 passed in WPMP. No.13100 of 1998 is made absolute and the Writ Petition is disposed of accordingly.
No order as to costs.

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JUSTICE G. CHANDRAIAH

Date: 20-03-2007
LSK